Google Inc. et al v. Egger et al Doc. 372

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE: NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION This Document Relates To: No. 06-220 (D.R.I.)/3:06-cv-5066 (N.D. Cal.) No. 1:06-cv-632 (E.D. Cal.)/3:06-cv-5576 (N.D. Cal.) No. cv-06-77 (D. Mont.)/3:06-cv-5267 (N.D. Cal.) No. 06-2491 (D. La.)/3:06-cv-5343 (N.D. Cal.) No. cv-06-694 (D. Ore.)/3:06-cv-5341 (N.D. Cal.) No. 1:06-cv-2680 (N.D. Ill.)/3:06-cv-5485 (N.D. Cal.) No. 06-224 (D.R.I.)/3:06-cv-5064 (N.D. Cal.) No. 3:06-cv-3574 (N.D. Cal.) No. 3:06-cv-4221 (N.D. Cal.)	MDL NO. 06-1791 VRW **JOINT NOTICE REGARDING VERIZON'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION**

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At the August 30, 2007 hearing, the Court asked the parties to confer in an attempt to resolve the pending motion to dismiss for lack of personal jurisdiction filed by Verizon Communications Inc. ("VCI") and MCI, LLC (Dkt. # 268) and to report the results of those discussions to the Court within two weeks. The parties have conferred as requested and hereby report the results of their discussions.

In order to promote the most efficient handling of these cases, the parties have agreed that they do not object to the Court deferring a decision on the pending motion to dismiss for lack of personal jurisdiction. The parties further agree that by reaching this agreement VCI and MCI, LLC have not waived their personal jurisdiction objections, any delay in deciding the personal jurisdiction motion as a result of this agreement shall not be asserted or held to prejudice those objections, and by reaching this agreement none of the parties has waived any of the arguments presented in the briefing in connection with the pending motion to dismiss for lack of personal jurisdiction. The parties further agree that by reaching this agreement, Plaintiffs have not waived whatever rights to amend their complaints to add additional or substitute parties in the future that they otherwise would have, and that delay in deciding the personal jurisdictional motion as a result of this agreement shall not be asserted or held to prejudice any such amendments. The parties undertake that, if any party subsequently concludes that it is no longer appropriate to defer resolution of the motion to dismiss, that party will promptly notify the other parties and then the Court.[1]

For the reasons set forth in their joint opposition papers, (Dkt. # 313, 314, 317, 318, 321), Plaintiffs maintain that personal jurisdiction exists over VCI and MCI, LLC. As such, Plaintiffs are not prepared to withdraw their claims against VCI and MCI, LLC in the states at issue in the motion to dismiss even if (direct or indirect) subsidiaries of VCI and MCI, LLC that are subject to personal jurisdiction in those states are named in place of VCI and MCI, LLC. VCI and MCI, LLC, in turn, continue to assert that they are not subject to personal jurisdiction in the states at issue for the reasons set forth in the briefs and declarations in support of their motion to dismiss (Dkt. # 268, 269,

[1] Note that Verizon Global Networks has withdrawn its motion to dismiss *Herron v. Verizon Global Networks*, No. 06-2491 (D. La.), for lack of personal jurisdiction, and instead joined Verizon's pending motion to dismiss the Master Complaint on the merits. Reply brief, Dkt. # 338 at p. 2.

269-2, 338, 338-2). That said, the parties agree that the Court need not decide this pending motion at this time.

Respectfully submitted,

Dated: September 12, 2007

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Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of this document has been obtained from Barry R. Himmelstein, Vincent I. Parrett, and Laurence F. Pulgram.